593 The daughter and wife roles are also subject to the dominant role of father in al-Qasr Bedouin society. The father has virtually the right of life and death over his daughter in certain situations. But in no case does he have this right over his wife. The differentiation in right here
593 *613 is again a matter of the authority principle operating within the framework of the lineage system. A man's daughter belongs [851] to his patrilineage or authority group while his wife belongs to the authority group of her father. There is an obvious [582] exception to this statement about Bedouin society, for given the practice of parallel-cousin marriage a man and his wife can belong to the same authority group, the same tertiary
593 group. Even so, only the father has the right of life and death over the girl who is his daughter. The Bedouins say, "The bones of the girl belong to the father." There are two
593 • 684 situations in which a father may rightfully put his daughter to death: when she is found guilty of pre-marital intercourse (loss of virginity) or if it is proved that she has had any extra-marital sexual activity. In either case, if the husband were to kill the girl he would be guilty of murder and his group would have to forfeit blood-money or be threatened with retaliation. I heard of no such actual cases.

593 The father's major duty toward his daughter is to
584 provide her with "a good marriage." This, of course, parallels his duty toward his son and emphasizes that a father is con-

585 room, until he arrives for the test of her virginity. The groom "takes blood with his finger," wipes it on the white toga which his bride had been veiled with, and hands it to the older women waiting outside the tent. In the meantime, [792] the two fathers have met with the faqiih ("holy man") who [675] witnesses the agreement on the mahr payment. They read the Fatiha of the Quran together and conclude the marriage contract. The old women, carrying the toga with the virginal blood on it--a symbol of honor to both of the groups concerned with the marriage--parade around the guests' tent showing it, while all the time letting out shrill victory cries (zaghaariid = "trilling cries of joy"). The toga is then pinned-up on the side of the guests' tent for all to 585 see. Animals are slaughtered and the feast begins. The 574 central activity of the feast takes place in the guests' tent, the tent of the male guests. The groom's father, in [576] the traditional role of host, does not sit down to eat with his guests but directs the seating and feeding of them.

585 Should it happen that the girl is not a virgin, the • 684 wedding would end on the spot, and the girl would be sent away or killed by her father. My informants said that this has never happened in al-Qasr. One key informant told me that such a thing never happens because the groom would never permit it to be known that "his cousin was not a virgin." In other words, the groom will get the blood from somewhere,

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•[684] probably by pricking himself, and will wipe it on the toga.

About two weeks after the wedding, the bride and
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groom take a lamb or a goat and go to spend a few days with
[574] the bride's parents. The Bedouin say that the relationship between the groom and his in-laws is extremely important. The man should treat his wife's mother and father as if they were his own. "When a man's father-in-law and mother-in-law come to visit him, he must slaughter a lamb for them. He must respect both of them. Remember, this man and woman are the grandparents of his children."

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The marriage, then, is only the first step in the ritualization of new group bonds established between the families of the bride and groom. Bonds are subsequently intensified through a process of visitation, gift-exchange and sacrifice. The most important factor linking the two groups is the actual presence of the bride in the midst of her husband's group, for she remains, in terms of the patrilineal principle, a member of her father's lineage. This is made
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perfectly clear by the fact that she is referred to, never by her name but, by the name of her tribal grouping if she is other than 'Aishaibi. If she is of the 'Aishaibat tribe, she will be referred to as bint of so-and-so. Hence the
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Bedouins stress the importance of extra-group bonds by referring to the women in their residence group as al-Qinaishiyya or al-Kamailiyya, for instance (-iyya is the Arabic feminine marker).

671 562 Implicit in the 'awaiyid is the assumption that the woman is less responsible for her deeds and something of a weakling. The Bedouins have a proverb which says that "the devil whispers in the ear of the woman." If a woman slays a [682] man, intentionally or accidentally, the diiya is considered 671 as for unintentional killing. Where sex offenses are con- 562 cerned, it makes a difference if the act takes place in the •684 man's (i.e. the husband's) tent or in the desert, and, of course, it makes a difference whether or not it is a case of rape or adultery. If a man finds another man and his wife in his dwelling in the act of adultery, he may kill the man and pay the diiya for unintentional killing. From this diiya, he deducts the amount of the bride-price and 50 L.E. for trespassing. The fine for rape ranges from 10 L.E. to 100 L.E. On the other hand, if intercourse takes place with the woman's consent, the fine is only 5 L.E. or 10 L.E. If a virgin is deflowered, the fine will be 100 L.E., and the man will have to marry her, paying the bride-price asked for by the girl's father and going through the normal procedure for marriage. Where offenses involve unmarried women, all fines are paid to the father. In cases concerning [586] married women, fines go to the husband. According to the [558] Bedouins, it would be a great dishonor to the man's family if the husband were not to divorce his wife after it becomes known that she has been promiscuous. They said that if a man

671 They said that if a man 206
562 insisted on keeping a promiscuous wife, his family would
684 "write a barawwa aginst him." I heard of no sex offenses in
681 al-Qasr while I was there.
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671 The penalty for stealing, according to the 'awaiyid,
685 is that the thief shall pay compensation, by himself, in the amount of four times the value of the stolen object. On the
* [613] other hand, if the thief is a poor man, he will pay thrice the value of the stolen object and the remaining fourth will be paid by his lineage.

671 The 'awaiyid recognizes the territorial claims of the
685 lineage. Disputes arising over conflicting claims to land
*613 and wells are handled at Bedouin courts in much the same way
578 as personal injury cases are, with one exception. Usually, a
[554] larger number of elders and rajal khair will be consulted in an advisory capacity by the 'awaaqil handling the case. The 'awaaqil consider the specific history of a particular piece of land or well (for instance, each well is known by its own name), and determine the ownership in accordance with the testimony of elders and individuals of high social status. Most of the problems over land and water rights in al-Qasr have reference to what is still considered lineage-owned
685 territory in the barley-and-pasture sector. In the 'izba
578 sector, conflict over land ownership rights, since they are
648 rights which are registered with the government, is settled in the Egyptian court of law. Only one such case came up while

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562 The second, rather complex, case occurred while I was in the field. Once again, the role of the "holy man" is shown to operate in cases dealing with women. Shown here also is an interesting example of the cultural definition of abnormality.

*613 No Date. Case: Quarrel between 'Ailit al-Abaidi ('Ali Abyad)
578 and 'Ailit al-Afrad ('Ali Abyad) over marriage rights. A man
582 from al-Abaidi agreed that his daughter could marry a man but
792 the rest of the 'aiela did not approve of this marriage. Since the man could not go to his 'aqila, who disapproved of the marriage, he took his problem to a "holy man." The "holy man" decided that the girl should marry the man she wanted to marry, but he was afraid that this would cause trouble in the 'aiela. The "holy man" decided to marry the man and woman, [586] and then to divorce them for a period of one year so that the conflict would abate. The girl's father knew of this marriage but the other members of the 'aiela did not. After a period of one year, the groom went to the "holy man" and said: 'Decide anything that I can do, but I must have the girl." The "holy [681] man" decided to make him pay a kubaara (expiation) fee of • [684] 100 L.E. to the girl's 'aiela, and he married them again.

*613 Date: 1965. Case: Quarrel within a tertiary segment of the
619 Qinaishat tribe concerning marriage rights. A girl from the
578 Qinaishat tribe had refused to marry her paternal cousin, but
582 he was insistent upon his right to have her.

684 613 562 593 The contractual nature of marriage is most clearly manifested in the case of the wife's adultery. Since the woman belongs to her agnatic group, her behavior has direct effect on the honor of that group. It is, therefore, the responsibility of her closest kin to keep an eye on her. If the woman commits adultery, it is her father or her male kin who is supposed to avenge the honor of the family by taking drastic actions, including killing, against the adulteress and/or her partner. But the marriage usually takes the woman away from the close watch of her family and puts her under the supervision of her husband who becomes entrusted with the duty of guarding her, and therefore partially responsible for her action. His responsibility is enhanced by the fact that although the wife's behavior does not affect him or his family, it has a definite effect on the honor and reputation of his children (Abou-Zeid, 1965).

684 578 562 593 [522] The gravest insult that one can direct to a person in the area is to describe his mother of being of disrepute. In their joking relations, young men usually refer to eachother's father as being a dog or a theif or a cheat, but none could refer to the mother. A woman of questionable reputation affects the reputation of her family in general and her children in particular. Any reference to the mother in the form of an accusation is supposed to be cleaned only by blood. Not only does this apply to the woman's voluntary behavior, but also to her physical and mental [734] condition. If a woman loses her mind, the news is usually kept a secret, 684 especially by her children. The responsibility for retaliation in the 613 case of adultery, then, is divided between her nearest kinsman and her 562 husband. This gives both sides a vague and undetermined right of re- 593 venge. This division of the right of revenge explains the infrequency

of drastic actions taken in cases of adultery. Of the fourteen cases of adultery that I examined furing my field work, none resulted in the killing of the adulteress, and only three resulted in the murder of her partner. In all three cases where the adulterer was killed, the avenger was the husband; and in all three cases, the husband had to pay the bloodmoney to the murdered man's kin group. His payment of the bloodmoney, among other things, may indicate that the right of the husband to kill the adulterer is not completely accepted among Awlad Ali. All agree, however, that such killings never result in blood feuds because of the shameful circumstances in which the victim dies.

It was very difficult to obtain any detailed or reliable information about adultery cases. All the above mentioned fourteen cases were gathered from the informants, twelve of which were cases which had already been solved. For the two cases which were still open at the time of the study, information was quite vague. Usually such cases are conducted with a great amount of secrecy, with the involved parties referring to them as cases of theft, or merely by saying that the cases involve women. Only when the adultery leads to the killing of the adulteress or the adulterer are more details publicly known about the case.

But while the right to retaliate for the shameful action of an adulterous wife is vague and diffused, the right of the husband for compensation from the adulterer remains clear and undisputed. In this resepct, adultery is treated very much like theft; the adulterer has stolen the husband's exclusive right to his wife's sexual activities. The compensation for this offense is estimated at L.E. 20, in addition to the mahr, if the husband decides to divorce his wife as a result of her adultery.

681 558 [684] The ten pounds paid to the husband in this case is considered as a kabara for the husband's injured pride. The kabara is one of the vaguest and least determined fines in the tribal law. As a face-saving device, it varies from one case to another. It is determined in each case by the seriousness of the insult, the publicity of that insult (insults in a public place require a much larger kabara than insults [561] in a private place). The relative age of the insulted and the offender is also taken into consideration in assessing the kabara. If the insulted is older than the offender, the kabara is much higher than if the situation were reversed. In fact, in the last case the insulted might [554] not be able to collect any kabara at all. The relative status of the two parties is also a factor. A member of a Murabiteen tribe who insults a Sa'adi is likely to be charged with a larger kabara than the reverse situation. The amount of kabara is left for the bargaining of the two parties and their representatives and varies greatly from one case to another. As such, the kabara is not exactly a fine or an independent punishment. In most of the cases it is an additional punishment added to a regular one. It is hard to imagine a crime in which the victim is not considered in one way or another insulted or belittled. The only 681 558 684 specified kabara that I found in the tribal law was in the case of adultery. The kabara in that case is the same regardless of the relative position of the people involved. The kabara differs, however, according to a standardized set of circumstances surrounding the place in which the adultery is committed. Adultery committed in the husband's tent requires kabara of the maximum L.E. 20; adultery within the camp of the husband but outside his tent can bring a kabara of only L.E. 10, while adultery committed outside the camp brings a mere L.E. 5. The justification for

681 this variation is that committing the adultery within the camp of the
558 husband constitutes a greater humiliation, since it affects his honor
684 among his neighbors. Also, adultery inside the tent of the couple carries with it the possibility of rape, while adultery outside the tent at least implies an element of consent on the part of the wife. The
583 penalty in the case of adultery is the return by the wife's father of the mahr and all other expenses of the marriage ceremony and the gifts the husband had presented during the engagement period. This is a further indication that the father of the wife is still responsible for her behavior even after she is married. It is in this respect that the crime of adultery differs from theft. In the case of theft, the
685 thief has to return twice the amount stolen and in the case of repeated offenders, four times the amount stolen. This is in addition to a certain amount of money as kabara. Yet, in the latter case the kabara is not specified and is subject to the proof by the victim that the theft constituted an insult to him. This insult is assumed in the case of adultery, which makes the kabara in the case of adultery part of the punishment--an integral part of the punishment. The kabara is not among
613 the collective responsibility of the amar and is paid only by the person involved, unless he is totally unable to pay or refuses to pay. In such
426 cases, his closest male kin (his father, son, or brother) pays on his
593 behalf with the understanding that such payment constitutes a debt which
681 should be repaid. The person paying on his behalf in this case can go
684 to his tent and take by force anything of value, such as blankets, uten-
558 sils, or even sheep and goats, and keep them as pawns until the debt is paid.

682 negotiations between the parties involved were conducted by their
627 respective awaqil, a Mi'ad was set, and the settlement was an-
682 nounced. According to the terms of the settlement, three factors
672 contributed to the death of Hussein: the goat, whose activity was
627 directly related to the death by causing the gun to fire; the host, who had chased the goat, causing it to run over the gun and fire it; and the guest, without whose negligence in leaving the gun loaded the accident would not have happened. The bloodmoney was divided into three equal parts, one of which was to be paid by Awad, the host, the other to be paid by Ali, the owner of the gun, and the third part to be attributed to the responsibility of the goat and therefore would not be paid.

CASE #7: The Case of the Adulterous Wife

684 For more than a year, rumors spread in the area of Burg El-Arab that Ghenewa's wife was having an affair with Goma'h, a friend of her husband and a member of a nearby camp. Ghenewa was operating a small store and was also involved in smuggling goods from Libya; both required him to be away frequently and for fairly extensive periods of time. According to the rumors, as soon as he left, his wife would put a white cloth on the laundry line as a sign indicating to Goma'h that the husband had left and therefore the former could come and visit her. When the husband heard the rumors, he was furious and decided to test his wife. He pretended that he was going to Alexandria as usual, went to the train station, waited until the train had left, and then returned to his tent. As he entered the tent, he found his wife and his friend in a compromising situation. Before
[682] he could do anything, the friend grabbed a kitchen knife and attacked

684 682 the husband, who reached for his gun and fired at Goma'h. Three days later the latter died in the hospital from the gun wound.

684 682 672 The case was investigated by the police and brought to trial, but the case was dismissed as justifiable homocide by reason of self defense. The tribal proceedings, however, required Ghenewa to pay the bloodmoney for intentional homocide, since the weapon used was a gun. Out of the L. 400 bloodmoney, the sum of L. 20 kabara for committing adultery with the wife was deducted. None had questioned the right of Ghenewa to kill Goma'h in the process of defending himself.

671 672 In his essay on "The Early History of Malice Aforethought" in English law, Maitland discussed the "utter incompetence of ancient law to take note of the mental elements of a crime" (1911:327). This statement seems to apply to certain aspects of the tribal law of Awlad Ali. If one causes the death of another, even accidentally, he is liable to

671 672 171 compensation. This attribute is not restricted to Awlad Ali law, for it has been documented by a number of other studies. Peristiany found this to be the case among the Potok (1954), and Dundas documented it among the Kikuyu (1921). In his analysis of injury and liability among the Barotse, Gluckman maintained that "whatever the motivation of the killer or the circumstances surrounding the deed, bloodmoney has to be paid if a member of one grouping of kinsmen was killed by a member of some other group. The mental element seems to be irrelevant. What is important is that "murder" is committed within social relationships where blood compensation is due (1963:205). Similarly, Howell gives us one of the most comprehensive accounts of the Nuer "rule of law" and

600 the role of the victim in initiating the act of the offender. In the
684 case of the adulterous wife (Case #7), the intention of the husband to
682 kill the wife's lover was clear from the evidence; yet, the husband's
672 kin group never attempted to take refuge, and the victim's group was
eager to settle the case with the least amount of publicity. On the
682 other hand, killing in circumstances that offend the tribal standards
672 of chivalry, like killing from ambush or during the night, are the most
183 difficult to solve and pose the greatest chance for retaliation.

682 Although the traditional amount of compensation is not determined
672 by the actual intentions of the killer, but rather by assumed intentions
(673) as deducted from the type of weapon used in causing death, yet, the final
amount paid is usually determined by such intention. The actual intention works as the basis for bargaining between the victim's kin and the kin of the killer. Kin of the victim of an intentional killing are less likely to agree to any reduction of the amount, and with the threat of retaliation or revenge present, the killer's kin are bargaining from a weaker point. This is not the case in unintentional killings or where the victim's behavior instigated the reaction of the killer. In such cases, the victim's group is more willing to accept a lesser amount of compensation, and the killer's group, while not in a good bargaining position, at least are not under the threat of revenge. And since they do not resort to the right of refuge, their daily activities are not disrupted. In this case, they could sustain the bargaining activities for a relatively longer period of time. Also, there is usually a strong
(626) pressure on the victim's group to accept reduced compensation in the case of unintentional killing from the rest of the tribal members. If

membership of associations and so on. The statuses a Bedouin achieves depend not on an ordered acquisition through the inheritance of roles or election to them, but on his personal manipulation of linkages in his jockeying with others. Rites are minimal because there are few defined statuses an individual can predictably acquire. The equalitarianism of the desert denudes the Bedouin of ritual riches. Complimentarily, rites which do occur are thrown into exaggerated relief by the absence of others, and in their isolation, become not merely a "passage" but a cataclysmic change. Marriage and burial both comprehend limited fields of relations, but accompanying ceremonies may bring several hundred people together, people who otherwise rarely gather in these numbers to meet one another as kinsmen and neighbours, and it is suggested that the emphasis given to the events dramatises the significance of the changes they produce. In the discussion of the changes brought about by marriage, the Bedouin view of what is entailed will be considered first.

The Bedouin View of Marriage

After marriage, the Bedouin argue, a son has a tent of his own, a woman over whom he has authority and soon children to make him a father. Marriage causes split, branching. A new family is created, holding the potential of a new lineage. The separation is so painful a matter for the father that he cannot contemplate it, hence his pretence that he has no knowledge of wedding festivities, and his subsequent attitude that nothing has happened.

Interestingly, there are two other occasions when this attitude is to be observed. When a man kills within his corporate group,[5] he may flee his tribe or he may be compelled to leave; later he is likely to return and, when he does, he is received with a minimum of show. Every attempt is made to suppress knowledge of the event.

Again, if incest occurs, the memory of it must somehow be suppressed, and it is an ever-present danger. Men, permitted four wives simultaneously and also able to engage in a plurality of marriages through divorce or death of spouses, may have children showing an age difference of two or three generations. Thus it comes about that a man may be of an age in relation to his father's sister which permits them as children to behave as if they were first paternal cousins. As an adult, the preferred spouse for a man is a father's brother's daughter. In terms of relationships between adolescents the situation in which a man is of the same age generation as his father's sister is fraught with danger. In one such case, between a man and his father's sister, the male child of the union was put out in the desert to be

[5] Bedouin are disposed in groups which, in summer, usually constitute a single community, around or near a watering point. The men of this group are interlinked by reference to an ancestor four or five ascending generations, reckoning from the generation of men of about 20 years. When, elsewhere in this chapter reference is made to corporations, it will be to groups of this kind.

835 devoured by wild animals, the girl was "given"[6] to a close cousin who had
561 shot his sister. Both now reside with an enemy tribal section. The two acts
•684 were equated. They were similar to the extent that both created a situation which defied institutional resolution. The culprits were exorcised. The girl's lover remains with his group — the odium for the male is incomparably less than for the female, since, while maternity is easy to establish, paternity is frequently shrouded in doubt — and during the months I lived with this particular group, there was never a mention of the affair. It was as if "nothing had happened."

829 If asked why these two events cause such profound distress, the answers
578 the Bedouin give are twofold: they can do nothing about them, and they
613 cause split. By split in this context they mean split in the lineage; split in
[682] the case of homicide because it may lead to a demand for blood-money which
[684] is payable only between corporations, and split in the case of incest because it causes chaos in relationships. Marriage, in one sense, their reasoning
581 runs, is similar, for it too causes split. Whatever may be the analytic strength
829 of the arguments that homicide and incest precipitate splitting, the argu-
613 ment that marriage does so is spurious. In what sense can marriage mean split? Bedouin men marry "so that we may beget many sons, to make a big lineage later on." The worst fate that can befall a man as a result of his son's marriage is that he, in later generations, will become the focal point in a series of branching descent lines. The alternative — that his sons remain unmarried — can only mean that his name would disappear through want of successors to carry it on, which is one of the greatest evils which can befall a man, according to Bedouin sentiment: better split than oblivion. If the key to the interpretation of the father's attitude to his son's marriage is not
581 that it causes split, it must lie elsewhere in their relationship. What mar-
585 riage does is alter the distribution of authority between father and son. In
593 order to pursue this, it is necessary first to clarify the types of authority involved, and then assess them in a post-marital situation.

The Division of Authority Between the Family and the Corporation

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851 Politically, a person's status is determined for him at birth. At this time a man has the right to accept or deny paternity. Denial is tantamount to an accusation of adultery by his wife. In practice, once a wife has given birth to a male child, whatever doubts people may harbour regarding paternity, the husband accepts the child as his. "The boy for the bed," is a saying often heard among the Bedouin; but it remains the husband's prerogative to invest the child with legitimacy, hence, political status. Only if a husband becomes
[839] aware that he is publicly considered a cuckold, or if he catches his wife and a lover *in flagrante delicto*, is he at all likely to take action. Otherwise he may

[585] [6] A marriage is illegal unless it is accompanied by an agreement to transfer wealth
[581] to the girl's father.